

MINIMUM STANDARDS

FOR

LICENSED FAMILY DAY HOMES

Adopted by the State Board of Social Services
September 23, 1993

Effective December 15, 1993

Department of Social Services
Commonwealth of Virginia
Division of Licensing Programs
801 E. Main Street
Richmond, Virginia 23219

FOREWARD

The meeting and maintenance of the standards prescribed herein are prerequisites for the issuance and maintenance of a license granted under Title 63.1, Chapter 10, Code of Virginia. Failure by the licensee to maintain standards or applicable requirements of the Code of Virginia shall constitute grounds for revocation of the license or for lesser sanctions.

Standards for operation of Family Day Care Homes were adopted by the State Board of Welfare on April 21, 1977, to be effective July 1, 1977.

Revisions to selected standards were approved by the State Board of Welfare on November 16, 1978, to be effective January 1, 1979.

As mandated by the 1981 amendments to the Code of Virginia, revisions to selected standards were approved by the State Board of Welfare on April 16, 1981, to be effective July 1, 1981.

The deletion of one standard, as authorized by a 1983 amendment to the Code of Virginia, was approved by the State Board of Social Services on October 20, 1983, to be effective on February 1, 1984.

Further revisions to selected standards were approved by the State Board of Social Services on March 15, 1984, to be effective May 1, 1984.

The standards were updated effective November 15, 1987 to reflect the change in the name and definition of a family day care home, as mandated by the 1987 General Assembly. At the same time the standards were renumbered in accordance with format prescribed by the Registrar of Regulations.

The Minimum Standards for Licensed Family Day Care homes are repealed effective December 15, 1993 and the Minimum Standards for Licensed Family Day Homes promulgated effective December 15, 1993 to reflect the change in the name and definition of a family day care home to that of family day home, as mandated by the 1993 General Assembly. In addition, substantial revisions and additions are made as deemed necessary to update the regulation which has not had a major revision since 1979.

STANDARDS HAVE BEEN FORMULATED IN COMPLIANCE WITH THE PROVISIONS OF TITLE 63.1, CHAPTER 10, SECTION 63.1-202 OF THE CODE OF VIRGINIA AND PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCESS ACT.

TABLE OF CONTENTS

	<u>Page</u>
PART I. GENERAL	1
Article 1. Definitions.....	1
Article 2. Legal Base.....	3
PART II PERSONNEL	4
Article 1. Qualifications for Family Day Home Providers and Assistants.....	4
Article 2. Ratio of Adults to Children.....	5
PART III. HOUSEHOLD	7
PART IV. PHYSICAL ENVIRONMENT AND EQUIPMENT	8
Article 1. Physical Environment.....	8
Article 2. Fire and Shock Prevention and Emergency Procedures.....	10
Article 3. Small Appliances and Kitchen Equipment.....	12
Article 4. Space and Equipment for Children.....	12
PART V. CARE OF CHILDREN	14
Article 1. Program and Services.....	14
Article 2. Supervision.....	15
Article 3. Diapering, Toileting, and Waste Disposal.....	16
Article 4. Transportation.....	18
Article 5. Behavior and Guidance.....	18
Article 6. Nutrition and Food Services.....	20
PART VI. PHYSICAL HEALTH	23
Article 1. Health Requirements for Family Day Household Members and Care Givers...	23
Article 2. Health Requirements for Children.....	24
Article 3. Illness, Injury, and Death.....	26
Article 4. Medication and First Aid Supplies.....	27
Article 5. Animals.....	29
PART VII. RECORD KEEPING RESPONSIBILITY	30

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

CHAPTER 110
MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES**PART I**
GENERAL**ARTICLE 1**
DEFINITIONS**22 VAC 40-110-10. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Accessible" means capable of being entered, reached, or used.

"Adult" means any individual 18 years of age or older.

"Age appropriate" means suitable to the chronological ages and developmental characteristics of children.

"Care giver" means the provider, substitute provider or assistant.

"Child" means an individual under 13 years of age for purposes of child day programs.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child Protective Services Central Registry" means the name index of individuals involved in child abuse and neglect reports maintained by the Virginia Department of Social Services.

"Child with special needs" means a child with diagnosed physical, mental, or emotional disabilities such as but not limited to cerebral palsy, sensory impairment, learning disabilities, behavior disorders, chronic illnesses, deficit in social functioning, mental retardation or emotional disturbance and who may require special monitoring or specialized programs, interventions or facilities.

"Commissioner" means the Commissioner of Social Services, also known as the Director of the Virginia Department of Social Services.

"Cooling device" means a mechanism used to cool a room such as an electric fan or air conditioner.

"Department" means the Virginia Department of Social Services.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

"Department's representative" means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner in carrying out the responsibilities and duties specified in Chapter 10 (§[63.1-195](#) et seq.) of Title 63.1 of the Code of Virginia.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13 exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. From July 1, 1993, until July 1, 1996, family day homes serving nine through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. Effective July 1, 1996, family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

"Family day home assistant" or "assistant" means an individual who is 14 years of age or older and who helps the family day home provider in the care, protection, supervision and guidance of children in the home.

"Family day home provider" or "provider" means an individual who is 18 years of age or older and who is issued the family day home license by the Department of Social Services and has primary responsibility in providing care, protection, supervision and guidance for children in the family home.

"Family day home standards" means the Minimum Standards for Licensed Family Day Homes or the requirements for family day homes subject to licensure.

"Good character and reputation" means findings have been established and knowledgeable and objective people agree that the individual (i) maintains business or professional, family, and community relationships which are characterized by honesty, fairness, truthfulness, and dependability, and (ii) has a history or pattern of behavior that demonstrates that the individual is suitable and able to care for, supervise, and protect children. Relatives by blood or marriage, and persons who are not knowledgeable of the individual, such as recent acquaintances, shall not be considered objective references.

"Inaccessible" means not capable of being entered, reached, or used.

"Infant" means a child from birth through 15 months.

"Licensee" means the person or persons to whom the license is issued.

"Major accident" or "major injury" means an accident or injury that requires emergency care or treatment.

"Minor accident" or "minor injury" means an accident or injury that does not require emergency care or treatment but may require first aid or medical attention.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

"Parent" means the biological, foster or adoptive parent, legal guardian, or any individual with responsibility for, or custody of a child enrolled or in the process of being enrolled in a family day home.

"Physician" means an individual licensed to practice medicine.

"Substitute provider" means an individual 18 years of age or older who meets the qualifications for family day providers, is designated by the family day home provider and approved by the department and who is readily available to provide substitute child care in the family day provider's home.

"Time out" means a discipline technique in which a child is moved for a brief time away from the stimulation and reinforcement of ongoing activities and other children in the group to allow the child to regain composure when losing self-control.

"Ventilating device" means a mechanism used to provide fresh air and to circulate air in a room.

ARTICLE 2
LEGAL BASE**22 VAC 40-110-20. General.**

Section [63.1-196](#) of the Code of Virginia requires the licensure of certain family day homes. A family day home which is subject to licensure shall be licensed before it begins to provide day care and the license shall be posted in a conspicuous place at the licensed premises as cited in [§63.1-196 C](#) of the Code of Virginia. A family day home is required to be licensed when nine through 12 children, exclusive of the provider's own children and any children who reside in the home, are provided care at any one time. Effective July 1, 1996, a family day home is subject to licensure when six through 12 children, exclusive of the provider's own children and any children who reside in the home, are provided care at any one time.

22 VAC 40-110-30. Exception.

If 13 or more children, exclusive of the provider's own children and children who reside in the home, are receiving care at any one time in a family day home that is subject to licensure, Child Day Center Standards shall apply.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

PART II

PERSONNEL

ARTICLE 1

QUALIFICATIONS FOR FAMILY DAY PROVIDERS AND ASSISTANTS

22 VAC 40-110-40. General.

Care givers shall be able to understand and carry out responsibilities and requirements of the Minimum Standards for Licensed Family Day Homes.

22 VAC 40-110-50. Attributes.

Care givers shall have the following attributes:

1. An understanding of the varying capabilities, interests, needs, and problems of children in care; the ability to relate to children with courtesy, respect, patience, and affection; and an understanding and respect for the families of children in care;
2. The ability to speak, read, and write in English as necessary to meet the requirements of this chapter;
3. The ability to provide activities and experiences daily that reflect the cultural and ethnic diversity of enrolled children, and that will enhance the total development of children; and
4. The ability to understand instructions on prescription and nonprescription medicines, handle emergencies with dependability and sound judgment, and communicate effectively with emergency personnel.

22 VAC 40-110-60. Behavior.

Care givers shall be responsible, of good character and reputation, and shall display behavior that demonstrates emotional stability and maturity.

22 VAC 40-110-70. Criminal behavior.

No person listed in the Child Protective Services Central Registry or convicted of a crime involving child abuse, child neglect, or any other offenses specified in [§63.1-198.1](#) of the Code of Virginia shall be a care giver.

22 VAC 40-110-80. First aid certification.

Providers and substitute providers shall obtain pediatric first aid certification, including rescue breathing and first aid for choking, within six months of licensure or employment or by May 31,

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

1994, if currently licensed and shall maintain a current pediatric first aid certificate endorsed by or from:

1. The American Red Cross;
2. The American Heart Association;
3. The National Safety Council for First Aid Training Institute; or
4. Have successfully completed, within the past three years, a pediatric first aid course equivalent to the curriculum which has been approved by the State Board of Health.

EXCEPTION: A provider who is a RN or LPN with a current license from the Board of Nursing shall not be required to obtain first aid certification.

22 VAC 40-110-90. Additional training.

In addition to first aid training, care givers shall obtain a minimum of six hours of training annually in areas such as physical, intellectual, social, and emotional child development, behavior management and discipline techniques, health and safety in the family day home environment, art and music activities for children, nutrition, child abuse detection and prevention, or recognition and prevention of the spread of communicable diseases.

22 VAC 40-110-100. Documentation.

Written documentation of pediatric first aid certification and annual training received by care givers shall be maintained on file in the family day home for the period of licensure. Written documentation shall include the name of the training session, the date and total hours of the session, and the name of the organization or person who sponsored the training.

ARTICLE 2

RATIO OF ADULTS TO CHILDREN

22 VAC 40-110-110. Capacity.

The licensee shall ensure that the total number of children receiving care at any one time does not exceed the maximum licensed capacity of the home. When at least one child receives care for compensation, all children, exclusive of the provider's own children and children who reside in the home, who are in the care and supervision of a care giver shall be included in the licensed capacity.

22 VAC 40-110-120. Staffing.

A. In determining the need for an assistant, the following fixed adult-to-child ratios shall be maintained for children receiving care. This ratio includes the provider's own and resident children under eight years of age:

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

1. 1:4 children from birth through 15 months of age;
2. 1:5 children from 16 months through 23 months of age;
3. 1:8 children from two years through four years of age;
4. 1:16 children from five years through nine years of age; and
5. Children who are 10 years of age and older shall not count in determining the ratio of adults to children for staffing purposes.

B. When children are in mixed age groups, the provider shall apply the following point system in determining the need for an assistant. Each care giver shall not exceed 16 points. The provider's own and resident children under eight years of age count in point maximums:

1. Children from birth through 15 months of age count as four points each;
2. Children from 16 months through 23 months of age count as three points each;
3. Children from two years through four years of age count as two points each;
4. Children from five years through nine years of age count as one point each; and
5. Children who are 10 years of age and older count as zero points.

EXCEPTION: The point maximums for mixed age groups or the fixed adult-to-child ratios may be exceeded in one age group for no more than one child for up to one month from the date of the child's enrollment during transitional periods when there is turnover in children receiving care and when the ages of the child leaving and the child entering care do not match.

22 VAC 40-110-130. Determination of staffing level.

The provider and parent or parents of a child with special needs shall mutually determine a recommendation for the level of staffing necessary to care for, supervise, and protect a child in care with special needs based on the child's age, type of special need, and degree of disability. If subsidized care is provided for the child, the provider shall consult with the community services board worker or the local department of social services worker to review the recommendation. The provider shall report this recommendation to the department on a form provided by the department. The department's representative shall make a final determination of the level of staffing or any capacity limitations necessary to care for, supervise, and protect all children in care when a child with special needs is receiving care. The recommendation on the level of staffing shall be reviewed annually by all involved parties.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

22 VAC 40-110-140. Limitations.

The family day home shall comply with local child day program ordinances, where such exist, and any limitations which may be placed by the Uniform Statewide Building Code on the number of children for whom care may be offered.

PART III
HOUSEHOLD**22 VAC 40-110-150. Behavior.**

All members of the family day household 14 years of age and older including relatives, lodgers, and employees, shall be responsible, of good character and reputation, and shall display behavior that demonstrates emotional stability.

22 VAC 40-110-160. Criminals.

All adult members of the family day household including relatives, lodgers, care givers, and employees shall not have been convicted of a crime involving child abuse, child neglect or any other offenses specified in [§63.1-198.1](#) of the Code of Virginia, and shall have a criminal record check conducted no more than 90 days before the date of initial application.

22 VAC 40-110-170. Child Protective Services Central Registry.

All members of the family day household 14 years of age and older including relatives, lodgers, care givers and employees shall not be listed in the Child Protective Services Central Registry, and shall have a Child Protective Services Central Registry clearance conducted no more than 90 days before the date of initial application.

22 VAC 40-110-180. Clearance.

All members of a currently licensed family day household 14 years of age and older including relatives, lodgers, care givers, and employees shall have a Child Protective Services Central Registry clearance conducted no later than January 31, 1994.

22 VAC 40-110-190. Smoke-free environment.

The licensee shall ensure that a smoke-free environment is provided in rooms accessible to children while children are in care.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

PART IV
PHYSICAL ENVIRONMENT AND EQUIPMENT**ARTICLE 1**
PHYSICAL ENVIRONMENT**22 VAC 40-110-200. Hazards.**

The physical facilities and furnishings of the home and grounds shall be kept clean and safeguarded from open and obvious hazards to the health and safety of children, such as but not limited to loose carpeting, lead paints, choking hazards, sharp objects, plastic bags, and poisonous plants accessible to children.

22 VAC 40-110-210. Ventilation.

All rooms used by children shall be ventilated, heated in winter, and cooled in the summer to maintain adequate air exchange and required temperatures.

1. When windows and doors are used for ventilation, they shall be screened securely.
2. During winter months, a draft-free temperature of 65°F to 75°F at no more than two feet above floor level shall be maintained in all rooms used by children. During summer months, if the temperature in rooms used by children exceeds 80°F, a cooling device shall be used.

22 VAC 40-110-220. Lighting.

All rooms, halls, and stairways used by children in care shall be well lighted.

22 VAC 40-110-230. Firearms.

Firearms shall be stored unloaded and apart from ammunition. Firearms and ammunition shall be stored in a locked area with keys out of reach of children.

22 VAC 40-110-240. Barriers.

Protective barriers including but not limited to safety gates shall be installed securely at the top or bottom of open stairways on the floor where the stairways are accessible to children under two years of age and children over two years of age who are not developmentally ready to climb or descend stairs without supervision. Gates used shall meet the current American Society for Testing Materials standards for juvenile products.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

22 VAC 40-110-250. Stairways.

All interior and exterior stairways with over three risers that are used by children shall have handrails within the normal grasp of the children or banisters with vertical posts between the handrails and each step, which can be safely grasped by children.

22 VAC 40-110-260. Banisters.

When stairways have banisters with vertical posts between the handrails and each step and the distance between the vertical posts is greater than 3 ½ inches, these stairways shall be accessible to children only when supervised by a care giver.

22 VAC 40-110-270. Doors.

Doors with clear glass panels that reach within 18 inches of the floor shall be clearly marked with decorative objects such as pictures, art work or decals near the child's eye level to prevent accidents.

22 VAC 40-110-280. Vermin.

The home shall be kept free from rodents and insect infestation.

22 VAC 40-110-290. Bathrooms.

The home shall have indoor running water and a bathroom. The bathroom shall be easily accessible to children two years of age and older. The bathroom shall be kept clean and have a working toilet and sink, tissue, and soap. Either paper towels or individually assigned cloth towels shall be provided. If cloth towels are used, they shall be laundered when soiled and at least once a week.

22 VAC 40-110-300. Entrances and exits.

Entrance and exit ways shall be unobstructed and well lighted.

22 VAC 40-110-310. Chemicals.

Cleaning agents, disinfectants and deodorizers, plant-care chemicals, pesticides, and other poisonous materials or supplies shall be stored in areas inaccessible to children or in a cabinet or drawer with child-resistant locks.

22 VAC 40-110-320. Water supply.

When water is not obtained from a municipal supply and the house is not connected to a municipal sewer line, the water supply and septic system of the family day home shall be inspected and approved by the local health official or a private laboratory if there are open and obvious symptoms of water or sewage system problems, such as evidence of cloudy, murky, or muddy water, or sewage back up. Family day homes that are connected to a municipal water supply and sewer line and have open and obvious symptoms of water or sewage system problems shall have the problems corrected within a time frame agreed upon by the department and the provider.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

ARTICLE 2
FIRE AND SHOCK PREVENTION AND EMERGENCY PROCEDURES**22 VAC 40-110-330. Safety plugs.**

Electrical outlet safety plugs shall be placed in all outlets that are accessible to children. These outlets shall be covered with protective or child-resistant receptacle covers or spring-loaded offset cover plates. Protective coverings and outlet plugs shall be larger than 1 ¼ inches in diameter.

22 VAC 40-110-340. Electrical devices.

No electrical device accessible to children shall be placed so that it could be plugged into an electrical outlet while in contact with a water source, such as a sink, tub, shower area, toilet, or swimming or wading pool.

22 VAC 40-110-350. Cords and appliances.

Electrical cords and electrical appliances and equipment with cords that are frayed and have exposed wires shall not be used. Electrical cords shall not be overloaded or placed under carpets or stapled down to be kept in place.

22 VAC 40-110-360. Flammable materials.

All flammable and combustible materials, including matches, lighters, lighter fluid, petroleum distillates, such as kerosene, turpentine and automotive products, aerosol cans, and alcohol shall be stored in an area inaccessible to children or in a cabinet or drawer with child-resistant locks.

22 VAC 40-110-370. Alternate heating devices.

All alternate heating devices such as oil stoves, wood burning stoves, fireplaces, and associated chimneys, and ventilating devices shall be inspected annually by a qualified inspector to verify that the devices are properly installed, maintained and cleaned as needed. Documentation of the completed inspection and cleaning shall be maintained by the licensee.

22 VAC 40-110-380. Heating devices.

Radiators, oil and wood burning stoves, floor furnaces, portable electric space heaters, fireplaces, and similar heating devices used in areas accessible to children shall have barriers or screens and be located at least three feet from combustible materials.

22 VAC 40-110-390. Liquid fuel heaters.

Portable liquid fuel burning heaters shall not be used in areas accessible to children when children are in care.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

22 VAC 40-110-400. Fire extinguishers.

An operable type AB, BC, or, multipurpose, 2A10BC rated fire extinguisher shall be kept near the kitchen area, out of the reach of children, away from the stove, and near an exit. Instructions for use of the extinguisher shall be posted on it or be easily accessible.

22 VAC 40-110-410. Smoke detectors.

An operable smoke detector, either battery operated or with battery backup, that has a UL approved or equivalent mark, shall be placed on each floor of the home. Battery operated detectors shall have the batteries tested at least monthly and replaced at least annually. Documentation of the dates when batteries are tested and replaced shall be maintained by the licensee.

22 VAC 40-110-420. Escape plans.

There shall be a written posted emergency escape plan in the event of a fire or natural disaster which shall be taught to all care givers and to children in care who are developmentally able to understand. The escape plan shall be practiced with all care givers and children in care on a monthly basis to the point of exit from the home.

22 VAC 40-110-430. Evacuation records.

Documentation shall be maintained of practiced emergency escape plans, which shall include the date of the event, the number and ages of children involved, and the approximate evacuation time. Records of monthly practiced procedures shall be maintained until the license is renewed.

22 VAC 40-110-440. Telephones.

The home shall have a working telephone. If the telephone number is unlisted, providers shall ensure that parents and the department have been given the unlisted number in writing. When changes of telephone numbers occur, providers shall inform the department within 48 hours and parents within 24 hours of the new telephone number.

22 VAC 40-110-450. Posted numbers.

The following telephone numbers shall be posted in a visible area close to the telephone:

1. A physician or hospital;
2. An ambulance or rescue squad service;
3. The local fire department;
4. The local police department;

NOTE: If there is a generic emergency number such as, but not limited to, 911 operable in the locality, that number may be posted instead of the above numbers.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

5. A regional poison control center.

22 VAC 40-110-460. Flashlights and radios.

An operable flashlight and battery operated radio shall be kept in a designated area and available at all times.

22 VAC 40-110-470. Fire hazards.

If there are open and obvious fire hazards, the local fire prevention officials may be contacted by the department's representative. The provider shall comply with the requirements or recommendations made by the fire prevention officials to eliminate fire hazards.

ARTICLE 3
SMALL APPLIANCES AND KITCHEN EQUIPMENT

22 VAC 40-110-480. Electrical appliances.

All small electrical appliances, such as, but not limited to, curling irons, toasters, blenders, can openers, and irons, shall be unplugged and placed in an area inaccessible to children unless being used by the care giver or with children under close supervision, e.g., when children are using these appliances in planned activities.

22 VAC 40-110-490. Sharp kitchen utensils.

Sharp kitchen utensils shall be placed in an area inaccessible to children or in a cabinet or drawer with child-resistant latches, unless being used by the care giver or with children under close supervision, e.g., when children are using these objects in planned activities.

22 VAC 40-110-500. Fans.

Electrical fans used in rooms accessible to children shall have protective shields and be placed out of the reach of children.

ARTICLE 4
SPACE AND EQUIPMENT FOR CHILDREN

22 VAC 40-110-510. Spaces.

The home shall provide each child with adequate space to allow free movement and active play indoors and outdoors.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

22 VAC 40-110-520. Individual locations.

Each child two years of age and older shall have access to an individual location in which to keep clothing, toys, and belongings together. Children under the age of two shall have an individual location that is accessible to the care giver and parent.

22 VAC 40-110-530. Rest areas.

Each child shall be provided with a designated crib, cot, rest mat, or bed for resting or napping. Rest mats that are used shall have at least an inch of cushioning and be sanitized at least weekly and as needed.

1. Clean linen suitable to the season, and assigned for individual use, shall be used each time children sleep on beds of family members.
2. Clean linen suitable to the season shall be used and washed at least weekly and as needed.

22 VAC 40-110-540. Cribs.

Cribs that meet the current Consumer Product Safety Commission standards for cribs, 16 CFR 1508 and 1509, shall be provided for children from birth through 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot, rest mat, or bed.

1. Double decker cribs and play pens shall not be used;
2. Crib slats shall be no more than $2\frac{3}{8}$ inches apart;
3. Crib sides shall always be up and the fastenings secured when a child is in the crib, except when the care giver is giving the child immediate attention;
4. Mattresses shall fit snugly next to the crib so that no more than two fingers can be inserted between mattresses and the crib; and
5. Cribs with end panel cut-outs shall be of a size that prevents head entrapment.

22 VAC 40-110-550. Infant seats.

High chairs and infant carrier seats shall meet the American Society for Testing Materials (ASTM) standards for juvenile products and when occupied by a child a safety strap shall be used and securely fastened.

22 VAC 40-110-560. Walkers.

Infant walkers shall not be used.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

22 VAC 40-110-570. Swimming pools.

Outdoor swimming pools shall be enclosed by safety fences and gates with child-resistant locks and wading pools shall be emptied and stored away when not in use during the normal family day home hours of operation.

22 VAC 40-110-580. Maintenance.

Any swimming and wading pools shall be set up and maintained according to manufacturer instructions. No home shall maintain any receptacle or pool, whether natural or artificial, containing water in such condition that insects breeding therein may become a menace to the public health.

PART V
CARE OF CHILDREN

ARTICLE 1
PROGRAM AND SERVICES

22 VAC 40-110-590. Routine.

The provider shall establish a daily routine so that there is sufficient time included to talk with, play with, and offer physical comfort to children in care.

22 VAC 40-110-600. Activities.

Age appropriate activities shall be provided for children in care throughout the day and shall be based on the physical, social, emotional and intellectual needs of the children.

22 VAC 40-110-610. Activity opportunities.

Daily age appropriate activities shall include:

1. Opportunities for alternating periods of indoor active and quiet play depending on the ages of the children;
2. Opportunities for vigorous outdoor play daily, depending upon the weather, the ages, and the health of the children;
3. Opportunities for one or more regularly scheduled rest or nap periods. Children unable to sleep shall be provided time and space for quiet play;
4. Opportunities for children to learn about themselves, others and the world around them;

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES

22VAC 40-110-10 et seq.

11/93

5. Opportunities for children to exercise initiative and develop independence in accordance with their ages; and
6. Opportunities for structured and unstructured play time and provider-directed and child-initiated learning activities.

22 VAC 40-110-620. Play materials.

A sufficient supply and variety of developmentally appropriate play materials, toys, and equipment shall be available and accessible to children in care.

22 VAC 40-110-630. Physical treatment of children.

Children in care shall not be shaken or bounced vigorously at any time.

22 VAC 40-110-640. Television.

Television shall be used with discretion and not as a substitute for planned activities. The amount of time children watch television and the type of programs viewed shall be monitored closely by care givers.

ARTICLE 2
SUPERVISION

22 VAC 40-110-650. General.

Children shall be supervised by a care giver at all times. Children shall not be left alone in the care of an assistant under 18 years of age while in care.

22 VAC 40-110-660. Infants' needs.

Care givers shall promptly respond to infants' needs for food and comfort.

22 VAC 40-110-670. Infant seats.

Children using infant carrier seats or high chairs shall be supervised closely at all times.

22 VAC 40-110-680. Play spaces.

Play spaces for infants shall offer a diversity of experiences for the infant and provide frequent opportunities to creep, crawl, toddle and walk. The designated sleeping space for infants shall be used infrequently as a play space if it is used at any time for this purpose.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

22 VAC 40-110-690. Movement of sleeping infants.

An infant who falls asleep in a play space other than his own sleeping space shall be moved promptly to his designated sleeping space if the safety or comfort of the infant is in question.

22 VAC 40-110-700. Stimulation.

Stimulation shall be regularly provided for infants in a variety of ways including, but not limited to, being held, cuddled, talked to, and played with by the family day home provider or assistant.

22 VAC 40-110-710. Level of supervision.

Children shall be supervised in a manner which ensures that the care giver is aware of what the children are doing at all times and can promptly assist or redirect activities when necessary. In deciding how closely to supervise children, providers shall consider the following:

1. Ages of the children;
2. Individual differences and abilities;
3. Layout of the house and play area;
4. Neighborhood circumstances or hazards; and
5. Risk activities children are engaged in.

22 VAC 40-110-720. Pool supervision.

When children are permitted to swim and wade, a care giver shall be present at all times and able to supervise the children and respond immediately to emergencies. A minimum of two care givers shall be present and able to supervise the children when three or more children are in the water, with the exclusion of wading pools.

ARTICLE 3
DIAPERING, TOILETING, AND WASTE DISPOSAL

22 VAC 40-110-730. General.

When a child's clothing or diaper becomes wet or soiled, it shall be changed promptly.

22 VAC 40-110-740. Diapering steps.

The following steps shall be used for diapering:

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES

22VAC 40-110-10 et seq.

11/93

1. Diapers shall be changed on a nonabsorbent surface. Children shall not be left unattended during diapering.
2. During each diaper change the child's genital area shall be thoroughly cleaned with a moist disposable wipe or a moist, clean individually assigned cloth, if the child is allergic to disposable wipes.
3. Soiled disposable diapers and wipes shall be discarded in a lined container, with a tight-fitting lid, operated by a foot pedal (step can). Soiled cloth diapers and wipes shall be put in a plastic bag and stored in individually labeled diaper bags to be taken home. The container and diaper bags shall be kept clean, free of soil build up and odor, and shall not be accessible to children.
4. Care givers shall wash their hands with soap or germicidal cleansing agents and water after each diaper change and after helping a child with toileting.
5. The diaper changing surface shall be cleaned with soap and water, and disinfected by lightly spraying with a germicidal or water and chlorine bleach solution, i.e., one tablespoon of bleach to one quart of water. The disinfectant shall be spread evenly with a paper towel over the diaper changing surface and the surface shall be allowed to air dry after each diaper change. When a bleach and water solution is used, it shall be made fresh daily and stored out of the reach of children.
6. Surfaces used for children's activities or meals shall not be used for changing diapers.

22 VAC 40-110-750. Toilet chairs.

Toilet chairs shall be emptied promptly, rinsed and disinfected after each use.

22 VAC 40-110-760. Sanitation of hands.

Children's hands shall be washed with soap and water after toileting.

22 VAC 40-110-770. Privacy.

Children five years of age and older shall be permitted privacy when toileting.

22 VAC 40-110-780. Garbage.

Garbage and rubbish shall be removed from rooms occupied by children on a daily basis and removed from the premises at least once weekly. There shall be a sufficient number of waste and diaper containers to hold all of the waste that accumulates between periods of removal.

22 VAC 40-110-790. Refuse area access.

Children shall not be allowed access to refuse storage areas. Such areas shall be free of litter, odor, and uncontained waste.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

ARTICLE 4
TRANSPORTATION**22 VAC 40-110-800. General.**

Whenever the provider or assistant transports enrolled children they shall:

1. Ensure that any vehicle used to transport children meets the standards set by the Code of Virginia and is equipped with the proper child restraining devices required by law to correspond with the ages of the children being transported;
2. Have a first aid kit, including an ice or chemical cold pack, in the vehicle used for transporting;
3. Have a copy of the parents' written authorization to transport the children;
4. Have the name, address and phone number of the family day home in the vehicle used for transportation; and
5. Have a copy of the children's emergency contact and medical information in their possession.

ARTICLE 5
BEHAVIOR AND GUIDANCE**22 VAC 40-110-810. Parental communication.**

The provider shall discuss with each child's parent or parents the rules and limits used to encourage desired behavior and discourage undesired behavior of children in care.

22 VAC 40-110-820. Positive methods.

The care givers shall use positive methods of discipline. Discipline shall be constructive in nature and include techniques such as:

1. Using limits that are fair, consistently applied and appropriate and understandable for the child's level of development;
2. Providing children with reasons for limits;
3. Giving positively worded direction;
4. Modeling and redirecting children to acceptable behavior;

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

5. Helping children to constructively express their feelings and frustration to resolve conflict; and
6. Arranging equipment, materials, activities, and schedules in a way that promotes desirable behavior.

22 VAC 40-110-830. Prohibited behavior.

The following behavior shall be prohibited as methods of discipline by all care givers:

1. Corporal punishment, including hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain;
2. Forcing, withdrawing, or threatening to force or withdraw food, rest, or bathroom opportunities;
3. Abusive or profane language;
4. Any form of public or private humiliation, including threats of physical punishment; and
5. Any form of emotional abuse, including rejecting, terrorizing, or corrupting a child.

22 VAC 40-110-840. Physical restraint.

Children shall not be physically restrained except as necessary to ensure their own safety or that of others, and then only for as long as is necessary for control of the situation.

22 VAC 40-110-850. Time out.

When time out is used as a discipline technique, it shall be used sparingly and be brief and appropriate to the child's developmental level and circumstances. The child who is separated from the group shall be in a safe, lighted, well-ventilated place and shall be within hearing and vision of the provider or substitute provider. The child shall not be left alone inside or outside of the home while separated from the group.

Note: If time out is enforced by a care giver, it shall not exceed one minute for each year of the child's age. Time out shall not be used with infants.

22 VAC 40-110-860. Confinement.

No child, for punishment or any other reason, shall ever be confined in any space that the child cannot open, such as closets, locked rooms, latched pantries, or containers.

22 VAC 40-110-870. Punishment by children.

The provider or substitute provider shall not give a child authority to punish another child nor shall the provider consent to a child punishing another child.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

22 VAC 40-110-880. Toileting accidents.

Children shall not be punished for toileting accidents.

ARTICLE 6
NUTRITION AND FOOD SERVICES**22 VAC 40-110-890. Food groups; lunch and dinner.**

Foods served to children for lunch and dinner shall consist of a variety of items selected from each of the following food groups:

1. Meat or meat alternates;
2. Fruits and vegetables;
3. Bread or bread alternates, e.g., pasta, rice, noodles, and cereal; and
4. Milk unless a child is allergic to milk or milk products.

NOTE: Providers shall supplement meals from homes that do not meet this standard or inform parents who provide meals from home that meals served to children must consist of a variety of foods from the four food groups.

22 VAC 40-110-900. Food groups; breakfast and snacks.

Breakfast and snacks that are served to children shall include a variety of foods from two or more food groups.

22 VAC 40-110-910. Choking foods.

To assist in preventing choking, food that is hard, round, small, thick and sticky, and smooth and slippery such as whole hot dogs or hot dogs sliced into rounds, nuts, seeds, raisins, uncut grapes, uncut raw carrot, peanuts, chunks of peanut butter, hard candy, and popcorn shall not be served to children under four years of age, unless it is prepared before being served in a manner that will reduce the risk of choking, i.e., hot dogs cut lengthwise, grapes cut in small pieces, and carrots cooked or cut lengthwise.

22 VAC 40-110-920. Leftovers.

Leftover food shall be discarded from individual plates following a meal or snack.

22 VAC 40-110-930. Portions.

Children shall be served small size portions and permitted to have additional servings.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

22 VAC 40-110-940. Water.

Water shall be available for drinking and shall be offered on a regular basis to all children in care.

22 VAC 40-110-950. Time schedules.

Meals and snacks shall be served in accordance with the times children are in care, which include:

1. Between the hours of 7 a.m. and 6 p.m., breakfast, lunch, and snacks shall be served.
2. Between the hours of 2 p.m. and 10 p.m., an afternoon snack, supper and a bed time snack shall be served.
3. Between the hours of 8 p.m. and 8 a.m. a bed time snack and breakfast shall be served.

22 VAC 40-110-960. Menus.

When meals are provided by the family day home, menus shall be planned, written, dated and placed or posted at least a day in advance in an area accessible to parents.

22 VAC 40-110-970. Sanitation of hands.

Children's hands shall be washed with soap and water before eating meals or snacks.

22 VAC 40-110-980. Handling of foods.

Care givers' hands shall be washed with soap or germicidal cleansing agent and water before handling or serving food. Care givers shall use sanitary practices when handling and preparing foods.

22 VAC 40-110-990. Infant feedings.

Infants shall be fed on demand unless parents provide other written instructions. Infants who cannot hold their own bottles shall be picked up and held when fed. Bottles shall not be propped.

22 VAC 40-110-1000. Formula labeling.

Prepared infant formula shall be labeled with the individual child's name and kept in the refrigerator when not in use.

22 VAC 40-110-1010. Formula preparation.

If infant formula is heated in a microwave oven, precautions shall be taken to prevent scalding. Only refrigerated formula shall be heated. When formula is heated in the bottles, the bottles shall be upright and uncovered. Heating time shall be no more than 30 seconds for four ounce bottles and no more than 45 seconds for eight ounce bottles. After heating and replacing nipples, bottles

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

shall be turned up and down 10 times and the temperature tested by dropping milk on the top of the hand. The temperature of the milk shall be cool on the hand.

22 VAC 40-110-1020. Exercising.

Children shall not be allowed to eat or drink while walking, running, playing, lying down, or riding in vehicles.

22 VAC 40-110-1030. Utensil sizing.

Eating utensils shall be appropriate in size for children to handle and chipped or cracked dishes shall not be used.

22 VAC 40-110-1040. Utensil cleansing.

Eating utensils and dishes shall be properly cleaned by prerinsing, washing and air drying or using a dishwasher. Eating utensils and dishes shall be stored in a clean dry place, and protected from contamination.

22 VAC 40-110-1050. Disposable utensils.

If disposable eating utensils and dishes are used, they shall be sturdy enough to prevent spillage or other health and safety hazards. Disposables shall be used once and discarded.

22 VAC 40-110-1060. Refrigerator temperatures.

Temperatures shall be maintained at or below 40°F in refrigerator compartments and at or below 0°F in the freezer compartments. The provider shall have an operable thermometer available to monitor these temperatures.

22 VAC 40-110-1070. Perishable refrigeration.

All perishable foods and drinks used for children in care, except when being prepared and served, shall be kept in the refrigerator.

22 VAC 40-110-1080. Milk.

All milk and milk products shall be pasteurized. Powdered milk shall be used only for cooking.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

PART VI
PHYSICAL HEALTHARTICLE 1
HEALTH REQUIREMENTS FOR FAMILY DAY HOUSEHOLD MEMBERS AND CARE
GIVERS**22 VAC 40-110-1090. Maintenance of health information.**

Health information shall be maintained on the care givers and any other adult household members who come in contact with children or handle food served to children, as described below:

1. Initial tuberculosis examination and report.
 - a. Within 90 days prior to licensure, employment, or contact with children, each individual shall obtain a tuberculin skin test indicating the absence of tuberculosis in a communicable form.
 - b. Each individual shall submit a statement that he is free of tuberculosis in a communicable form, including the type of test used, the date the test was given, and the test results.
 - c. The statement shall be signed and dated by a physician, the physician's designee, or an official of a local health department.
 - d. The statement shall be filed in the individual's record maintained at the family day home.

EXCEPTION: An individual may delay obtaining the tuberculosis test if a statement from a physician is provided that indicates the test is not advisable for specific health reasons. This statement shall include an estimated date for when the test can be safely administered. The individual shall obtain the test no later than 30 days after this date.

2. Subsequent evaluations.
 - a. An individual who had a nonsignificant (negative) reaction to an initial tuberculin skin test shall obtain additional screening every two years thereafter.
 - b. An individual who had a significant (positive) reaction to a tuberculin skin test and whose physician certifies the absence of communicable tuberculosis shall obtain chest x-rays on an annual basis for the following two years.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

- (1) The individual shall submit statements documenting the date of the chest x-rays and certifying freedom from tuberculosis in a communicable form.
 - (2) The statements shall be signed and dated by a licensed physician, the physician's designee, or an official of a local health department.
 - (3) The statements shall be filed in the individual's record maintained at the family day home.
 - (4) Following the two-year period during which chest x-rays are required annually, additional screening shall be obtained every two years.
- c. Any individual who comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms shall, within 30 days of exposure or development, receive an evaluation in accordance with subdivision 1 of this section.

22 VAC 40-110-1100. Request for examination.

At the request of the provider or the Department of Social Services, a report of examination by an approved physician shall be obtained when there is an indication that the safety of children in care may be jeopardized by the physical or mental health of a specific individual.

22 VAC 40-110-1110. Removal of individual.

Any individual who, upon examination or as a result of tests, shows indication of physical or mental condition or conditions which may jeopardize the safety of children in care:

1. Shall be removed immediately from contact with children and food served to children; and
2. Shall not be allowed contact with children or food served to children until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed statement from the physician.

ARTICLE 2
HEALTH REQUIREMENTS FOR CHILDREN

22 VAC 40-110-1120. Timing and frequency of medical reports.

A. Each child accepted for care shall obtain a physical examination and immunization record by or under the direction of a licensed physician prior to enrollment (as outlined below) or within 30 days after enrollment:

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

1. Within 60 days prior to enrollment for children six months of age or younger;
2. Ninety days prior to enrollment for children aged seven months through 18 months;
3. Six months prior to enrollment for children aged 19 months through 24 months;
4. Twelve months prior to enrollment for children two years of age through five years of age; and
5. Twenty-four months prior to enrollment for children six years of age and above.

EXCEPTIONS:

1. A new physical examination is not required for children transferring from one facility licensed or registered by the Virginia Department of Social Services, certified by a local department of public welfare or social services, or approved by a licensed family day system.
2. Physical examinations are not required for any child whose parent objects on religious grounds. The parent shall submit a statement noting that the parent objects on religious grounds and certifying that, to the best of the parent's knowledge, the child is in good health and free from communicable and contagious disease.
3. A child may delay obtaining immunizations if a statement from a physician is provided that indicates they are not advisable for specific health reasons. This statement shall include an estimated date for when immunizations can be safely administered. The child shall obtain the immunizations no later than 30 days after this date.

B. Medical reports after enrollment.

1. Updated information on immunizations received shall be obtained once every six months for children under the age of two years.
2. Updated information on immunizations received shall be obtained once between each child's fourth and sixth birthdays.

EXCEPTION: Documentation of immunizations received is not required for any child whose parent submits an affidavit to the provider stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices.

22 VAC 40-110-1130. Form and content of medical reports.

- A. The current form approved by the Virginia Department of Health, or any other form which provides all of the same information, shall be used to record immunizations received and the results of the required physical examination.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

- B. Each report shall include the date of physical examination or dates immunizations were received.
- C. Each report shall be signed by a licensed physician, the physician's designee, or an official of a local health department.

ARTICLE 3
ILLNESS, INJURY, AND DEATH**22 VAC 40-110-1140. Exclusion.**

Unless otherwise approved by a child's health care professional, a child shall be excluded from the family day home if the child exhibits the following symptoms:

1. An oral body temperature of 101°F or greater or an auxiliary (armpit) temperature of 100°F or greater; or
2. Recurrent vomiting or diarrhea; or
3. Symptoms of a communicable disease as delineated in the current Communicable Disease Chart recommendation for the exclusion of sick children.

22 VAC 40-110-1150. Steps for developing symptoms.

If a child in care develops symptoms of an illness defined in 22VAC40-110-1140, the following shall apply:

1. The parents or designated emergency contact shall be contacted immediately so that arrangements can be made to remove the child from the home as soon as possible; and
2. The child shall remain in a quiet, designated area within sight or sound of the care giver and where the care giver can respond immediately to the child until the child leaves the home.

22 VAC 40-110-1160. Exposure.

When a child in care has been exposed or is suspected to have been exposed to a reportable communicable disease, all parents of enrolled children shall be informed on the same day contact occurs or is suspected.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

22 VAC 40-110-1170. Accident reports.

Major injuries to the head, other parts of the body, and major accidents shall be reported immediately to the child's parent or parents. Minor injuries and accidents shall be reported to the child's parent or parents on the same day they occur.

22 VAC 40-110-1180. Records.

An injury or accident sustained by a child while at the family day home that required first aid or medical attention shall be recorded in the child's record. Information recorded shall include the date and nature of injury or accident, action taken and verification of parental notification.

22 VAC 40-110-1190. Written reports.

The provider shall report to the department within 24 hours any accident, injury or illness that occurred while a child was in care which results in death. A written report shall be completed and submitted to the department within five working days.

22 VAC 40-110-1200. Missing children.

The provider shall report a lost or missing child to the department within 24 hours when it was necessary to seek assistance from local emergency or police personnel.

22 VAC 40-110-1210. Abuse.

The provider shall verbally notify the local department of social services or call the toll free number for the Bureau of Child Protective Services (1-800-552-7096/TDD) immediately whenever there is reason to suspect that a child has been or is being subjected to any kind of child abuse or neglect by any person.

ARTICLE 4
MEDICATION AND FIRST AID SUPPLIES

22 VAC 40-110-1220. Dosing and consent.

Prescription and nonprescription drugs shall only be given to a child as directed by the prescription label or by the instructions on the original container and when the provider has the parent's written consent.

22 VAC 40-110-1230. Storage.

All medicines shall be stored in an area inaccessible to children. All medicine shall be returned to parents when no longer needed. Prescription medicines shall be dated and kept in the original container with the prescription label and the child's first and last names attached.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

22 VAC 40-110-1240. Labeling.

Any over-the-counter medication brought into the home for use by a specific child shall be kept in the original container and shall be labeled with the following information: the date; the child's first and last names; and specific, legible instructions for administration and storage.

22 VAC 40-110-1250. Usage and precautions.

All medications, refrigerated or unrefrigerated, shall be kept out of reach of children, shall be kept in an orderly fashion, and shall be stored at the proper temperature. Medication shall not be used beyond the date of expiration.

22 VAC 40-110-1260. Records.

The provider shall keep a medication record on each child which shall include:

1. A statement acknowledging parental consent to administer medication to the child;
2. The amount and name of medication administered to the child;
3. The day and time the medication was administered to the child; and
4. The name of the provider or adult assistant administering the medication.
(Assistants under the age of 18 shall not administer medication.)

22 VAC 40-110-1270. First aid supplies.

First aid supplies shall be readily accessible to the care giver or care givers and inaccessible to children. The required first aid supplies which shall be available are:

1. Scissors;
2. Tweezers;
3. Sterile nonstick gauze pads;
4. Adhesive or bandage tape;
5. Band-aids, assorted sizes;
6. Sealed packages of alcohol wipes or an antiseptic cleaning agent;
7. An anti-bacterial ointment;
8. Thermometer;
9. Chemical cold pack, if ice pack not available;
10. First aid instructional manual or cards;

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

11. Insect bite or sting preparation;
12. One triangular bandage;
13. Syrup of Ipecac, to be used only when instructed by the regional poison control center or children's physician and before the expiration date;
14. Flexible roller or stretch gauze;
15. Disposable nonporous gloves; and
16. Eye dressing or pad.

ARTICLE 5
ANIMALS**22 VAC 40-110-1280. Food surfaces.**

Family pets shall not be allowed on any surfaces where food is prepared or served.

22 VAC 40-110-1290. Health.

Any pet or animal present at the home, indoors or outdoors, shall be in good health, and show no evidence of carrying any disease.

22 VAC 40-110-1300. Immunization.

Dogs or cats, where allowed, shall be immunized for rabies and shall be treated for fleas, ticks, or worms as needed.

22 VAC 40-110-1310. Supervision.

Care givers shall closely supervise children when children are exposed to animals at the home. Children shall be instructed on safe procedures to follow when in close proximity to these animals, e.g., not to provoke or startle them or remove their food. Potentially dangerous animals shall not be in contact with children.

22 VAC 40-110-1320. Litter boxes.

Animal litter boxes shall not be located in areas accessible to children. All animal litter must be removed promptly from children's areas and disposed of properly.

22 VAC 40-110-1330. Sanitation of hands.

Care givers' and children's hands shall be washed after handling animals or animal wastes.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

Part VII
RECORD KEEPING RESPONSIBILITY**22 VAC 40-110-1340. Inspection.**

The provider's records shall be open for inspection by authorized representatives of the department.

22 VAC 40-110-1350. Record per child.

The family day home shall maintain a record for each enrolled child.

22 VAC 40-110-1360. Information.

Each child's record shall include:

1. The following identifying information:
 - a. The child's full name, nickname (if any), address and birthdate;
 - b. The name, address and telephone number of each parent;
 - c. The name, address, and telephone number of each parent's place of employment and work hours;
 - d. The name, office address, and telephone number of the child's physician;
 - e. The name, address and telephone number of one or more designated person or persons to contact in case of an emergency if the parent cannot be reached;
 - f. The names of persons authorized to visit, call or pick up the child as well as those who are not to visit, call or pick up the child. Appropriate custodial paperwork shall be requested and maintained when a parent requests that the provider not release the child to the other parent;
 - g. The date of enrollment and withdrawal, when appropriate;
 - h. Any known or suspected allergies and any chronic or recurrent diseases or disabilities;
 - i. The name of the parent's hospitalization plan and number or medical assistance plan and number, if applicable;
 - j. Results of the health examination and up-to-date immunization records of the child or a record of medical or religious exemption from these requirements; and

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES

22VAC 40-110-10 et seq.

11/93

- k. A record of any accidents or injuries sustained by the child while at the family day home that required first aid or medical attention.
2. The parent's signed authorization to use a substitute provider as necessary.
 3. Completed written agreements.
 - a. Written agreements shall be made between the provider and the parent or parents for each child in care. A signed copy shall be maintained with the record and one copy shall be given to the parent or parents.
 - b. Agreements shall cover:
 - (1) Hours of care per day, week, or month; cost of care per day, week, or month; frequency and amount of payment per day, week, or month; general daily routine; and any special services to be provided by either party to the agreement;
 - (2) Provisions that the care giver will notify the parent whenever the child becomes ill and the child will be picked up as soon as it is feasible for the parent or other responsible person to do so;
 - (3) Procedures for emergency care in case of illness or injury, written authorization to provide or arrange for emergency transportation, and written authorization for emergency medical treatment if parents cannot be located immediately;
 - (4) A statement acknowledging a review of the discipline policy including acceptable and unacceptable discipline methods;
 - (5) Written authorization for the child to participate in specific classes, clubs, field trips, including trips outside of the immediate community, or other activities, when feasible, indicating the activity, time of departure and estimated time for returning, method of transportation to the activity, and written consent for a designated person other than the provider to transport the child; and
 - (6) A statement acknowledging that there shall be an open-door policy which permits parents to visit and pick up their children at any time.

22 VAC 40-110-1370. Disclosure.

The provider shall not disclose or permit the use of information pertaining to an individual child or family unless the parent or parents of the child has granted written permission to do so.

MINIMUM STANDARDS FOR LICENSED FAMILY DAY HOMES
22VAC 40-110-10 et seq.

11/93

22 VAC 40-110-1380. Emergencies.

The emergency contact information listed in subdivision 1 e of 22 VAC 40-110-1360 shall be made available to a physician, hospital, or emergency care unit in the event of a child's illness or injury.

22 VAC 40-110-1390. Information to accompany child.

Whenever the provider leaves the home with the children, the provider shall have copies of the emergency contact and medical information listed in subdivisions 1 b through 1 e and 1 h through 1 j of 22 VAC 40-110-1360.

22 VAC 40-110-1400. Communication with parents.

The provider shall agree to share information daily with parents about their children's health, development, behavior, adjustment, or needs.

ATTACHMENTS

- **Types of Disabilities**
- **Record of Emergency Evacuation Drills (Model Form)**
- **Emergency Escape Plan (Model Form)**
- **When Do Children and Teens Need Vaccinations?**
- **Communicable Disease Reference Chart**
- **Injury or Accident Report Form (Model Form)**
- **Authorization to Give Medication – Child Care Facilities (Model Form)**
- **Medication Administration Record (Model Form)**
- **Permission to Take Child on Trips or Outings (Model Form)**
- **Summary of Motor Vehicle Statutes (Title 46.2 of the *Code of Virginia*)**
- **Poisonous Plants**
- **American Society for Testing Materials Reference for Expansion Gates**
- **Consumer Product Safety Commission Reference for Cribs**
- **American Society for Testing Materials Reference for High Chairs**

TYPES OF DISABILITIES

This list provides basic descriptions of disabilities. It may be used solely for guidance in determining an appropriate level of staffing necessary to adequately care for, supervise, and protect a child in a family day home setting with special needs and to ensure the well-being and safety of other children in care. Within each type of disability, there may be a wide range of functioning. It is important, therefore, to understand both the characteristics of a disability as well as the particular special needs of each child when determining staffing needs.

Condition:	An individual with this condition is
Mental retardation (or developmental disability)	One who shows significantly below-average intellectual functioning combined with impairment in adaptive behavior and who has difficulty both with school work and in every day living.
Deafness	One whose hearing is extremely defective.
Hearing impairment	One who has slightly to severely defective hearing or a specific hearing loss.
Blindness	One who is sightless or has very limited vision and must depend on hearing and touch as the chief means of learning.
Visual impairment	One who is considered legally blind by the state, or one who has very limited vision even with corrective lenses.
Serious emotional disturbance	One who is diagnosable by a psychologist or psychiatrist as requiring special services because of dangerous aggressiveness, severe withdrawal, severe anxiety or depression, or other socioemotional difficulty.
Physical (orthopedic) disability	One who has a condition that impairs normal development of muscle activities (e.g., spina bifida, cerebral palsy, or loss of limbs).
Specific learning disability	One who has a disorder in understanding or using spoken or written language (such as but not limited to perceptual problems, brain injury, or dyslexia).
Speech and/or language impairment	One whose speech is impaired by receptive and/or expressive language impairment, stuttering, or serious articulation problems.

Other special health care need	One who has a chronic health condition (such as but not limited to severe asthma, epilepsy, hemophilia, severe cardiac condition, or diabetes).
Multiple disability	One who has, in addition to the most severe condition, one or more other conditions.

For the purposes of family day home regulations, “child with special needs” is defined as a child with diagnosed physical, mental, or emotional disabilities such as but not limited to cerebral palsy, sensory impairment, learning disabilities, behavior disorders, chronic illnesses, deficit in social functioning, mental retardation or emotional disturbance and who may require special monitoring or specialized programs, interventions or facilities.

Resource: (1991) Healthy Young Children, A Manual for Programs, A. Kendrick, R. Kaufman, and K. P. Messenger, the National Association for the Education of Young Children (NAEYC).

Summary of Motor Vehicle Statutes
(Title 46.2 of the *Code of Virginia*)

1. § 46.2-300 et seq. regarding a valid drivers license
2. § 46.2-472 et seq. regarding motor vehicle liability insurance
3. § 46.2-600 et seq. regarding titling and registration of motor vehicles
4. § 46.2-1157 and 46.2-1148 regarding motor vehicle safety inspection
5. § 46.2-1095 through 46.2-1100 regarding the use of child restraint devices and seat belts

Poisonous Plants

Children are often attracted to the colorful berries, flowers, fruits, and leaves of plants, but more than 700 typical plants in the United States and Canada have been identified as poisonous. Plants are a common cause of poisoning in preschoolers. Most of these poisonings can be prevented, so it's important for parents, grandparents, teachers, and others to keep poisonous plants away from children. If eaten, some plant parts can cause a skin rash or stomach upset; others can even cause death. Here is a partial list of plants that are very dangerous.

PLANT	TOXIC PART	SYMPTOMS
HOUSE PLANTS		
Hyacinth, Narcissus, Daffodil	Bulbs	Nausea, vomiting, diarrhea. May be fatal.
Oleander	Leaves, branches	Extremely poisonous. Affects the heart, produces severe digestive upset and has caused death.
Dieffenbachia (Dumb Cane), Elephant Ear	All parts	Intense burning and irritation of the mouth and tongue. Death can occur if base of the tongue swells enough to block the air passage of the throat.
Rosary Pea, Castor Bean	Seeds	Fatal. A single Rosary Pea seed has caused death. One or two Castor Bean seeds are near the lethal dose for adults.
FLOWERING GARDEN PLANTS		
Larkspur	Young plant, seeds	Digestive upset, nervous excitement, depression. May be fatal.
Monkshood	Fleshy roots	Digestive upset and nervous excitement.
Autumn Crocus, Star of Bethlehem	Bulbs	Vomiting and nervous excitement.
Lily-of-the-Valley	Leaves, flowers	Irregular heart beat and pulse, usually accompanied by digestive upset and mental confusion.
Iris	Underground stems	Severe-but not usually serious-digestive upset
Foxglove	Leaves	Large amounts cause dangerously irregular heartbeat and pulse, usually digestive upset and mental confusion. May be fatal.
Bleeding Heart	Foliage, roots	May be poisonous in large amounts. Has proved fatal to cattle.

VEGETABLE GARDEN PLANTS		
Rhubarb	Leaf blade	Fatal. Large amounts of raw or cooked leaves can cause convulsions, coma, followed rapidly by death.
ORNAMENTAL PLANTS		
Daphne	Berries	Fatal. A few berries can kill a child.
Wisteria	Seeds, pods	Mild to severe digestive upset. Many children are poisoned by this plant.
Golden Chain	Bean-like capsules in which the seeds are suspended	Severe poisoning. Excitement, staggering, convulsions and coma. May be fatal.
Laurels, Rhododendrons, Azaleas	All parts	Fatal. Produces nausea and vomiting, depression, difficult breathing, prostration and coma.
Jasmine	Berries	Fatal. Digestive disturbance and nervous symptoms.
Lantana Camara (Red Sage)	Green berries	Fatal. Affects lungs, kidneys, heart and nervous system. Grows in the southern U.S. and in moderate climates.
Yew	Berries, foliage	Fatal. Foliage more toxic than berries. Death is usually sudden without warning symptoms.
TREES AND SHRUBS		
Wild and cultivated cherries	Twigs, foliage	Fatal. Contains a compound that releases cyanide when eaten. Gasping, excitement and prostration are common symptoms.
Oaks	Foliage, acorns	Affects kidneys gradually. Symptoms appear only after several days or weeks. Takes a large amount for poisoning.
Elderberry	All parts, especially roots	Children have been poisoned by using pieces of the pithy stems for blowguns. Nausea and digestive upset.
Black Locust	Bark, sprouts, foliage	Children have suffered nausea, weakness and depression after chewing the bark and seeds.
PLANTS IN WOODED AREAS		
Jack-in-the-Pulpit	All parts, especially roots	Like Dumb Cane, contains small needle-like crystals of calcium oxalate that cause intense irritation and burning of the mouth and tongue.
Moonseed	Berries	Blue, purple color, resembling wild grapes. May be fatal.

Mayapple	Apple, foliage, roots	Contains at least 16 active toxic principles, primarily in the roots. Children often eat the apple with no ill effects, but several apples may cause diarrhea.
Mistletoe	Berries	Fatal. Both children and adults have died from eating the berries.
PLANTS IN SWAMP OR MOIST AREAS		
Water Hemlock	All parts	Fatal. Violent and painful convulsions. A number of people have died from hemlock.
PLANTS IN FIELDS		
Buttercups	All parts	Irritant juices may severely injure the digestive system.
Nightshade	All parts, especially the unripened berry.	Fatal. Intense digestive disturbance and nervous symptoms.
Poison Hemlock	All parts	Fatal. Resembles a large wild carrot.
Jimson Weed (Thorn Apple)	All parts	Abnormal thirst, distorted sight, delirium, incoherence and coma. Common cause of poisoning. Has proved fatal.

Treat unknown plants with respect, and teach your children to do the same.

If you think a child may have swallowed any part of a poisonous plant, first remove any remaining pieces from the child's mouth. Then bring the child and a piece of the plant to the phone and call your poison control center. Keep an up-to-date container of syrup of ipecac available in case the poison control center tells you to use it to make the child vomit a poisonous substance.

PHONE NUMBER OF POISON CONTROL CENTER:

() _____
Area Code

Resources: Texas State Department of Health and the National Safety Council; 1991 Edition of Healthy Young Children, A Manual for Programs; Editors Abby Shapiro Kendrick, Roxane Kaufmann, and Katherine P. Messenger, for the National Association for the Education of Young Children (NAEYC)

The following safety regulations are partially reprinted from the American Society for Testing and Materials' Standard Consumer Safety Specification for **Expansion Gates and Expandable Enclosures** (F 1004-92) as they pertain to § 22 VAC 40-110-240 of the Minimum Standards for Licensed Family Day Homes.

1. Scope

1.1 This consumer safety specification establishes minimum safety performance requirements and instructional material to minimize head/neck entrapment hazards to young children resulting from the normal use and reasonably foreseeable misuse and abuse of expansion gates and expandable enclosures.

1.2 Products known as expansion gates and expandable enclosures, or by any other name, which are in the scope of this consumer safety specification are intended for young children aged 6 months through 24 months, and are defined as follows:

1.2.1 Expansion Gate – A barrier intended to be erected in an opening, such as a doorway, to prevent the passage of young children, but which can be removed by older persons who are able to operate the locking mechanism. Such gates are available in a number of different styles of construction and are manufactured from a variety of different materials.

3. General Requirements

3.1 All parts shall be smooth and free of splinters, splits, cracks, or other defects that might lead to structural failure.

3.2 Wood screws, screws, or both, of a similar nature shall not be used in the assembly of any components or locking or attaching device (or devices) that must be removed by the consumer during its normal daily operation.

4. Performance Requirements

4.1 The following performance requirements apply to gates and enclosures when they are erected or installed in accordance with the manufacturer's instructions in any and all positions, width, diameter and such, claimed by the manufacturer to be appropriate.

4.1.3.1 If the gate folds or has a moveable panel, it shall have a latching or locking device or other provision in the design that will prevent the unit from accidentally folding or opening when properly placed in the manufacturer's intended use.

5. Test Methods

5.3.4 For any product in which the uppermost edge is a non-rigid member, the visual inspection for conformance to the requirement shall be performed when a force of 30 lb is applied vertically downwards.

6. Requirements for Usage Instructions, Marking and Warning Statements

- 6.3.1 Install according to manufacturer's instructions.
- 6.3.2 Intended for use with children from 6 months through 24 months.
- 6.3.3 Install with locking mechanism on side away from child (applies to pressure-mounted gates only).
- 6.3.4 This product will not necessarily prevent all accidents. Never leave child unattended.

X1.2 Discussion of Items in this Consumer Safety Specification

X1.2.2 The scenarios for head and neck entrapment were suggested as follows: the child may climb the gate and slip or manage otherwise to get the head at the gate or enclosure, and the child may get his or her head or neck into the diamond-shaped opening of the body of the gate or enclosure. Additional accidents result from designs enabling children to climb over or under the gate or enclosure or from other interactions with the product.

X1.2.3.2 Children over 24 months may be too tall, too heavy, and too strong to be effectively retained by these products.

X1.2.7.1 Gates and enclosures are in a product category that allows limited space for placement of extensive labels. Therefore, it was judged that use limitations be stated in the installation instructions.

X1.2.7.2 The marking of the product and its packaging is consistent with other juvenile products standards.

X1.2.7.6 The locking mechanism could be operated by the child or could serve as a toe hold to assist climbing the gate. Therefore, the locking mechanism should be placed out of reach of the child.

The following safety regulations have been partially reprinted from Title 16, Code of Federal Regulations as they pertain to § 22 VAC 40-110-540 of the Minimum Standards for Licensed Family Day Homes.

U.S. Consumer Product Safety Commission
REGULATIONS FOR TOYS AND CHILDREN'S ARTICLES

PART 1508 – REQUIREMENTS FOR FULL-SIZE BABY CRIBS

Sec.

- 1508.1 Definitions.
* * *
- 1508.3 Dimensions.
1508.4 Spacing of crib components
1508.6 Hardware
1508.7 Construction and finishing.
1508.9 Identifying marks, warning statement, and compliance declaration.

AUTHORITY: Secs. 2(f)(1)(D), (q)(1)(A), (s), 3 (e) (1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-05, 83 Stat. 187-89 (15 U.S.C. 1261, 1262).

SOURCE: 38 FR 32129, Nov. 21, 1973, unless otherwise noted.

§ 1508.1 Definitions.

For the purposes of this part:

- (a) “Full-size baby crib” means a bed (1) that is designed to provide sleeping accommodations for an infant, (2) that is intended for use in the home, and (3) that is within a range of ± 2 inches of the interior length or width dimensions specified for full-size baby cribs in § 1508.3.

§ 1508.3 Dimensions.

Full-size baby cribs shall have dimensions as follows:

- (a) Interior. The interior dimensions shall be $28\pm\frac{5}{8}$ inches wide as measured between the innermost surfaces of the crib sides and $52\frac{3}{8}\pm\frac{5}{8}$ inches long as measured between the innermost surfaces of the crib end panels, slats, rods, or spindles. Both measurements are to be made at the level of the mattress support spring in each of its adjustable positions and no more than 2 inches from the crib corner posts or from the first spindle to the corresponding point of the first spindle at the other end of the crib. If a crib has contoured or decorative spindles, in either or both of the sides or ends, the measurement shall be determined from the largest diameter of the first turned spindle with a range of 4 inches above the mattress support spring in each of its adjustable positions, to a corresponding point on the first spindle or innermost surface of the opposite side of the crib.
- (b) Rail height. The rail height dimensions shall be as follows:
- (1) The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position shall be at least 9 inches.

- (2) The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position shall be at least 26 inches.

[38 FR 32129, Nov. 21, 1973; 38 FR 33593, Dec. 6, 1973]

§ 1508.4 Spacing of crib components.

The distance between components such as slats, spindles, crib rods, at corner posts shall not be greater than $2\frac{3}{8}$ inches at any point.

§ 1508.6 Hardware.

- (a) A crib shall be designed and constructed in a manner that eliminates from any hardware accessible to the child within the crib the possibility of the hardware's presenting a mechanical hazard through pinching, bruising, lacerating, crushing, breaking, amputating, or otherwise injuring portions of the human body when the crib is in normal use or when subjected to reasonably foreseeable damage or abuse.
- (b) Locking or latching devices used to secure dropside rails shall require a minimum force of 10 pounds to activate the release mechanism or shall consist of a double-action device requiring two distinct actions to release.
- (c) Wood screws shall not be used in the assembly of stationary sides, dropside rails, folding rails, or other stabilizing bars to crib ends or other components that must be removed by the consumer in the normal disassembly of a crib.

§ 1508.7 Construction and finishing.

- (a) All wood surfaces shall be smooth and free from splinters.
- (b) All wood parts shall be free from splits, cracks, or other defects which might lead to structural failure.
- (c) Crib end panels and sides or any attachment thereto shall have no horizontal bar, ledge, projection, or other surface accessible to a child inside the crib capable of being used as a toehold located less than 20 inches above the mattress support in its lowest position when the side rail is in its highest position, except the lower horizontal bar of the crib rail may have a vertical dimension that extends no higher than 3 inches above the mattress support in its lowest position. In no case will any gap between the top surface of the mattress support and the bottom of the lower horizontal rail be permitted. For the purposes of this paragraph, any ledge or projection with a depth dimension greater than $\frac{3}{8}$ inch shall constitute a toehold.

§ 1508.9 Identifying marks, warning statement, and compliance declaration.

- (a) All cribs and retail cartons thereof shall be suitably marked and labeled in accordance with this section.
- (b) A crib shall be clearly marked to indicate:

- (1) The name and place of business (city and state) of the manufacturer, importer, distributor, and/or seller; and
 - (2) A model number, stock number, catalog number, item number, or other symbol expressed numerically, in code or otherwise, such that only articles of identical construction, composition, and dimensions shall bear identical markings.
- (c) The following warning shall appear on the retail carton and on the inside of the head end panel or on the top surface of the mattress support in a type size of at least one-fourth inch:
“CAUTION: Any mattress used in this crib must be at least 27¼ inches by 51⅝ inches with a thickness not exceeding 6 inches,” or “CAUTION: Any mattress used in this crib must be at least 69 centimeters by 131 centimeters with a thickness not exceeding 15 centimeters.”

The marking shall appear in block letters, shall contrast sharply with the background (by color, projection, and/or indentation), and shall be clearly visible and legible. The dimensions of the mattress shall be taken from seam to seam or edge to edge where appropriate.

- (d) Markings on a crib shall be of a permanent nature such as paint-stenciled, die-stamped, molded, or indelibly stamped directly thereon or permanently affixed, fastened, or attached thereto by means of a gag, token, or other suitable medium. The markings shall not be readily removable or subject to obliteration during normal use of the article or when the article is subjected to reasonably foreseeable damage or abuse.
- (e) The retail carton of a crib shall clearly indicate:
- (1) The name and place of business (mailing address including zip code) of the manufacturer, importer, distributor, and/or seller; and
 - (2) The model number, stock number, catalog number, item number, or other symbol described in paragraph (b)(2) of this section.
- (f) Each crib and its retail carton shall bear a conspicuous label stating that the crib conforms to applicable regulations promulgated by the Consumer Product Safety Commission. The label need not be permanently attached to the crib, nor is any particular wording required for the statement. The label on the crib must be conspicuous under normal conditions of retail display. Any full-size baby crib introduced into interstate commerce on or after February 1, 1974, through January 31, 1976, must bear this label.

[38 FR 32129, Nov. 21, 1973, as amended at 38 FR 35454, Dec. 28, 1973]

PART 1509 – REQUIREMENTS FOR NON-FULL-SIZE BABY CRIBS

Sec.

* * *

1509.2	Definitions.
1509.3	Crib-side height.
1509.4	Spacing of crib components.
1509.7	Hardware.
1509.8	Construction and finishing.
1509.9	Mattresses.
1509.11	Identifying marks, caution statement, and compliance declaration.

AUTHORITY: Secs. 2 (f)(1)(D), (q)(1)(A), (s), 3(e)(1), 10(a), 74 Stat. 1304-05, 83 Stat. 187-89 (15 U.S.C. 1261, 1262, 1269).

SOURCE: 41 FR 6240, Feb. 12, 1976, unless otherwise noted.

§ 1509.2 Definitions

For the purposes of Part 1509:

- (a) “Crib” or “baby crib” means a bed designed to provide sleeping accommodations for an infant.
- (b) (1) “Non-full-size baby crib” means a crib that (i) is intended for use in or around the home, for travel and other purposes and (ii) has interior length dimension either greater than 55 inches or smaller than 49³/₄ inches, or, an interior width dimension either greater than 30⁵/₈ inches or smaller than 25³/₈ inches, or both. Mesh/net/screen cribs, nonrigidly constructed baby cribs, cradles (both rocker and pendulum types), car beds, baby baskets and bassinets (also known as junior cribs) are not subject to the provisions of § 1500.18(a)(14) of this chapter and this Part 1509.
- (2) “Non-full-size baby crib” includes, but is not limited to, the following:
 - (i) Portable crib. A non-full-sized baby crib designed so that it may be folded or collapsed, without disassembly, to occupy a volume substantially less than the volume it occupies when it is used.
 - (ii) Crib-pen. A non-full-size baby crib the legs of which may be removed or adjusted to provide a play pen or yard for a child.
 - (iii) Specialty crib. An unconventionally shaped (circular, hexagonal, etc.) non-full-size baby crib incorporating a special mattress or other unconventional components.
 - (iv) Undersize crib. A non-full-size baby crib with an interior length dimension smaller than 49³/₄ inches, or an interior width dimension smaller than 25³/₈ inches, or both.
 - (v) Oversize crib. A non-full-size baby crib with an interior length dimension greater than 55 inches, or an interior width dimension greater than 30⁵/₈ inches, or both.

§ 1509.3 Crib-side height.

- (a) With the mattress support in its highest adjustable position and the crib side in its lowest adjustable positions, the vertical distance from the upper surface of the mattress

support to the upper surface of the crib side and/or end panel shall not be less than 5 inches.

- (b) With the mattress support in its lowest adjustable position and the crib side in its highest adjustable position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and/or end panel shall not be less than 22 inches.

§ 1509.4 Spacing of crib components.

The distance between adjacent, uniformly spaced components such as slats, spindles, and/or corner posts shall not be greater than $2\frac{3}{8}$ inches.

§ 1509.7 Hardware.

- (a) The hardware in a non-full-size baby crib shall be designed and constructed to eliminate pinching, bruising, lacerating, crushing, amputating, and/or other potentials for injury when the crib is in normal use or when subjected to reasonably foreseeable damage or abuse.
- (b) Non-full-size baby cribs shall incorporate locking or latching devices for dropsides or folding sides or end panels. These devices shall require either a minimum force of 10 pounds for activation or at least two distinct actions to release them.
- (c) Woodscrews shall not be used in the assembly of any components that must be removed by the consumer in the normal disassembly of a non-full-size baby crib.

§ 1509.8 Construction and finishing.

- (a) All wood surfaces of non-full-size baby cribs shall be smooth and free from splinters.
- (b) All wood parts of non-full-size baby cribs shall be free from splits, cracks, or other defects that might lead to structural failure.
- (c) Ends and sides of non-full-size baby cribs shall have no horizontal bar, ledge, projections, or other surface accessible to the child inside the crib that could be used as a toehold (any ledge or projection with a depth dimension greater than $\frac{3}{4}$ inch located less than 16 inches above the mattress support in its lowest adjustable position when the crib side is in its highest adjustable position).

§ 1509.9 Mattresses.

(a) Mattress thickness. (1) A mattress supplied with a non-full-size crib shall, in a noncompressed state, have a thickness that will provide a minimum effective crib-side height dimension of at least 20 inches, as measured from the upper surface of the crib side and/or end panel. For this measurement, the crib side shall be in the highest adjustable position and the mattress support in its lowest adjustable position.

(2) A mattress supplied with a non-full-size crib shall, in a noncompressed state, have a thickness that will provide a minimum effective crib-side height dimension of at least 3 inches as measured from the upper surface of the mattress to the upper surface of the crib side and/or end panel. For this measurement, the crib side shall be in its lowest adjustable position and the mattress support in its highest adjustable position.

(b) Mattress dimensions. The dimensions of a mattress supplied with a non-full size baby crib shall be such that the mattress, when inserted in the center of the crib, in a noncompressed state at any of the adjustable positions of the mattress support, shall not leave a gap of more than $\frac{1}{2}$ inch at any point between the perimeter of the mattress and the perimeter of the crib. When the mattress is placed against the perimeter of the crib the resulting gap shall not exceed 1 inch.

§ 1509.11 Identifying marks, cautionary statement, and compliance declaration.

(a) Non-full-size baby cribs shall be clearly marked to indicate:

- (1) The name and place of business (city and state) of the manufacturer, importer, distributor, and/or seller; and
- (2) A model number, stock number, catalog number, or other symbol expressed numerically, in code or otherwise, such that only cribs of identical construction, composition, and dimensions shall bear identical markings.

(b) The following caution statement shall appear on an inside surface of a non-full-size baby crib in a type size of at least $\frac{1}{8}$ inch:

(1) For rectangular cribs:

CAUTION: Any mattress used in this crib must be at least ____ inches long by ____ inches wide and not more than ____ inches thick.

The blank is to be filled with a dimension complying with § 1509.9(a) and (b).

(2) For nonrectangular cribs:

CAUTION: Check proper fit of mattress. Should not be more than ____ inches thick. The maximum gap between mattress and inside the crib border (or edge) should be no more than 1 inch.

The blank is to be filled with a dimension complying with § 1509.9(a).

- (3) The dimensions to be inserted in the blanks in caution statements in paragraphs (b)(1) and (2) of this section shall be determined by the manufacturer according to the provisions of § 1509.9. The markings shall appear in block letters, shall contrast sharply with the background (by color, projection, and/or indentation), and shall be clearly visible and legible.
- (c) Except for markings required under paragraphs (d) and (e) of this section, markings on non-full-size baby cribs shall be of a permanent nature such as paint-stenciled, die-stamped, molded, or indelibly stamped directly thereon or permanently affixed, fastened, or attached thereto by means of a tag, token, or other suitable medium. The markings shall not be readily removable or subject to obliteration during normal use of the article or when the article is subjected to reasonably foreseeable damage or abuse.
- (d) The retail cartons of non-full-size baby cribs shall clearly indicate:
- (1) The name and place of business (mailing address including ZIP code) of the manufacturer, importer, distributor, and/or seller; and
 - (2) The model number, stock number, catalog number, item number, or other symbol described in paragraph (a)(2) of this section.
- (e) All non-full-size baby cribs and their retail cartons shall bear a conspicuous label stating that the article conforms to applicable regulations promulgated by the Consumer Product Safety Commission. The label need not be permanently attached to the article and carton nor is any particular wording required for the statement. The label on the article must be conspicuous under normal conditions of retail display. All non-full-size baby cribs and their retail cartons introduced into interstate commerce for a period of 2 years after the effective date of this Part 1509 must bear such label.

The following safety regulations have been partially reprinted from the American Society for Testing and Materials' Standard Consumer Safety Specification for **High Chairs** (F 404-89) as they pertain to § 22 VAC 40-110-550 of the Minimum Standards for Licensed Family Day Homes.

This consumer safety specification attempts to minimize the following:

(1) the possibility of the child falling out of the chair; (2) the possibility of tray disengagement; and (3) the possibility of the chair tipping over.

This consumer safety specification does not cover high chairs that are either blatantly misused or are used in a careless manner that disregards the warnings and safety instructions that are provided with each high chair.

1. Scope

- 1.3 For the purpose of this consumer safety specification, a high chair is a free standing chair made for the purpose of holding a baby who can remain in a sitting position due to his own coordination, with a tray that is attached to the chair for feeding or eating (unless the chair is constructed to hold a baby in a reclining position for feeding). Such a chair normally elevates the child to standard dining table height. When the child's growth permits him to eat from the table, the tray can be eliminated. Normally, high chairs are used for children between 6 months and 3 years of age.

2. General Requirements

All wood surfaces shall be smooth and free of splinters.

All wood parts shall be free from splits, cracks, or other defects that might lead to structural failure.

- 2.3 Locking Mechanisms – Any unit that folds shall have a locking device or other provision in a design that will prevent the unit from accidental folding or collapsing when properly placed in its sitting position.

3. Performance Requirements

- 3.1 Methods of Protection – If metal or plastic caps, sleeves, or plugs are used for protection of sharp edges, protrusions, or points, and are accessible to the child, they shall withstand a pull force of 15 lb, if the child can grasp them between the thumb and forefinger.
- 3.2 and 3.3 Tray Performance – The tray shall remain functional with respect to the chair and exhibit no mechanical hazards (sharp points, sharp edges, or broken-off small parts.) The mechanism attaching the tray to the chair shall withstand, so that the tray does not become disengaged, when a horizontal pull of 45 lb on the front, rear, and sides and a vertical pull of 45 lb upwards from the rear and each side of the tray is conducted.
- 3.4 Static Load – A chair shall support a static load of 100 lb on the seat, a static load of 50 lb on each step, footrest, or tray without causing any hazardous conditions.

- 3.5 Stability – A chair shall not tip over when forces are applied.
- 3.6 Exposed Coil Springs – Any exposed coil spring having or generating a space between successive coils that is greater than $\frac{1}{8}$ inch shall be covered or otherwise designed to prevent injuries.
- 3.7 Holes – Holes through a surface, which are accessible to fingers or toes, in any rigid material less than 0.062 in. in thickness and which can admit a 0.210 in. diameter rod, shall also admit a 0.375 in. (9.52 mm) in diameter rod. Holes that have a minimum diameter between 0.210 and 0.37 in. shall be permissible, providing the depth is no greater than the minimum diameter.
- 3.8 Openings – Openings that are not included in 3.7 (such as those between two or more mating members) shall be designed or constructed so as not to cause any hazard to the toes or fingers of a child.
- 3.9 Scissoring – The chair shall be designed and constructed so as to prevent injury from any scissoring, shearing, or pinching when members of the frame or other components rotate about a common axis or fastening point, or otherwise move relatively to one another when the child is in the chair.
- 3.10 Restraining System:
 - 3.10.1 A restraining system independent of the feeding tray shall be provided for the high chair to secure a child in the seated position.
 - 3.10.2 The restraint shall be capable of adjustment with a positive, self-locking mechanism that is capable, when locked, of withstanding force without allowing restraint movement of more than 1 in.
 - 3.10.3 The connecting mechanism and the adjustment mechanisms shall be capable of usage independent of one another. The connecting mechanism shall not be an adjustment mechanism but may have one integrally attached to it.

4. Labeling

- 4.3.1 Language or combination of language and graphics shall be used to unambiguously convey the following warnings:

**WARNING: Always secure child in the restraint.
Always keep child in view while in high chair.
Never leave the child unattended.**